

EXHIBIT 3

FILED
EAST COUNTY DIVISION

2007 MAY 14 PM 2:16

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

FILED ON DEMAND

1 MAURA LARKINS
2 1935 Autocross Court
3 El Cajon, CA 92019
4 Plaintiff in pro per

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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO, EAST COUNTY DIVISION

10 MAURA LARKINS,
11 Plaintiff,

12 vs.

13 LINDA WATSON
14 VIRGINIA BOYD
15 BEVERLY TUCKER
16 MICHAEL D. HERSH
17 CALIFORNIA TEACHERS ASSOCIATION,
18 a California labor organization,
19 CHULA VISTA ELEMENTARY
20 EDUCATION ASSOCIATION, a California
21 labor organization,
22 and DOES 1 through 10, inclusive,
23 Defendants.

) Case No.
) Judge: **37-2007-00058893-CU-MC-EC**
) Dept:
) Hearing date:
)
) COMPLAINT FOR
) NON-MONETARY RELIEF
)
) VIOLATION OF STATUTE:
) PERJURY AND SUBORNATION
) OF PERJURY WITHOUT IMMUNITY
) (CALIFORNIA CIVIL CODE
) §47 (b)(2) ; CONSPIRACY)
)
)
)
) COMPLAINT FILED:
) TRIAL DATE: NOT SET

22 Plaintiff alleges:

23 **GENERAL ALLEGATIONS**

24 1. California Civil Code §47(b)(2), which allows civil prosecution of perjury when
25 combined with spoliation of documents, was written so that the instant case could be
26 prosecuted. However, it is deeply uncertain that the instant case will be allowed to go
27

1 prosecuted. However, it is deeply uncertain that the instant case will be allowed to go
 2 forward because CCC 47(b)(2) is a law whose existence the courts have systematically
 3 ignored. Why? Because the courts do not want the judgments that resulted from perjury and
 4 spoliation to be overturned. This "public policy" preserves the pervasive presence of perjury
 5 in our judicial system. Half of all lawyers say that perjury is a problem for them: the other
 6 half are apparently not bothered by it. In the one case where this law was followed, *Terry*
 7 *Rusheen v. Barry H. Cohen, et al*, the California Court of Appeal made sure to tag the case
 8 for non-publication. And yet, California courts are unwilling to say that this law should not
 9 be followed, or that "public policy" trumps a legitimate law, because the courts know that
 10 this legitimate law should trump public policy. As long as perjury in furtherance of
 11 destruction of evidence is sanctioned by our courts, we don't have a true justice system. We
 12 merely have a decision-making system.

13
 14 2. It's time for California Civil Code §47(b)(2), which became law in 1991, to be
 15 directly addressed by a California court. Over the past fifteen years CCC §47 has been
 16 frequently cited in case law, and has been upheld without fail. The courts have
 17 obviously read CCC §47(b)(2); they couldn't have missed it. Still, these courts claim
 18 that the litigation privilege is absolute. CCC §47(b)(2) says it is not absolute; there is an
 19 exception when evidence is destroyed or altered and unlawful statements are made "in
 20 furtherance" of such an act. CCC §47(b)(2) states:

21
 22
 23 *"This subdivision does not make privileged any communication made in*
 24 *furtherance of an act of intentional destruction or alteration of physical*
 25 *evidence undertaken for the purpose of depriving a party to litigation of the*
 26 *use of that evidence, whether or not the content of the communication is*
 27 *the subject of a subsequent publication or broadcast which is*
 28 *privileged pursuant to this section. As used in this paragraph,*
"physical evidence" means evidence specified in Section 250 of the
Evidence Code or evidence that is property of any type specified in
Section 2031 of the Code of Civil Procedure." (Italics added.)

1
2
3 3. Aside from one or two indirect mentions (*Laborde v. Aronson* (App. 4 Dist.
4 2001) 112 Cal.Rptr.2d 119,92 Cal.App.4th 459), and one unpublished decision, (*Terry*
5 *Rusheen v. Barry H. Cohen, et al.*), California courts have behaved as if this law did
6 not exist.

7
8 4. In *Terry Rusheen v. Barry H. Cohen, et al.*, the judgment was set aside and a
9 trial granted because, due to falsification of documents, the original case had been
10 dismissed without trial (Los Angeles County Super. Ct. No. EC022640) SECOND
11 APPELLATE DISTRICT, DIVISION FOUR).

12 5. This is exactly what occurred in the instant case. In San Diego Superior Court
13 case number GIC 781970 was dismissed without trial, without any decision on the
14 merits, due to spoliation and falsification of documents furthered by perjury.

15
16 6. Plaintiff MAURA LARKINS is now, and at all times mentioned in this
17 complaint was, a resident of San Diego County, California. Plaintiff was employed as a
18 teacher in Chula Vista Elementary School District from September 1974 until February
19 2003, and is now retired.

20
21 7. LINDA WATSON, hereinafter referred to as WATSON, is now, and at all times
22 mentioned in this complaint has been, a resident of San Diego County, California and an
23 employee of CHULA VISTA ELEMENTARY SCHOOL DISTRICT.

24 8. Defendant VIRGINIA BOYD, hereinafter referred to as BOYD, is now and at
25 all times mentioned in this complaint was a resident of San Diego County, California.
26 At the time of the events referred to in this complaint, BOYD was employed as
27
28

1 President of CHULA VISTA ELEMENTARY EDUCATION ASSOCIATION. Prior
2 to her employment by CTA, she was employed as a teacher at Castle Park Elementary
3 School.

4 9. Defendant Michael D. Hersh, hereinafter referred to as HERSH, is now and
5 at all times mentioned in this complaint was a resident of Los Angeles County,
6 California, and was employed as an attorney for the California Teachers Association,
7 and represented Virginia Boyd, CHULA VISTA ELEMENTARY EDUCATION
8 ASSOCIATION, and CALIFORNIA TEACHERS ASSOCIATION in San Diego
9 Superior Court case number GIC 781970.
10

11 10. Defendant Beverly Tucker, hereinafter referred to as TUCKER, is now and
12 at all times mentioned in this complaint was a resident of California, and was employed
13 as Head Counsel for the California Teachers Association, and represented Virginia
14 Boyd, CHULA VISTA ELEMENTARY EDUCATION ASSOCIATION, and
15 CALIFORNIA TEACHERS ASSOCIATION in San Diego Superior Court case number
16 GIC 781970.
17

18 11. Chula Vista Elementary Education Association, hereinafter referred to as
19 "CHULA VISTA ELEMENTARY EDUCATION ASSOCIATION" or "CVE,"
20 is a labor organization authorized and existing under the laws of the State of California
21 in the county of San Diego. It is a local chapter of CALIFORNIA TEACHERS
22 ASSOCIATION.
23

24 12. California Teachers Association, hereinafter referred to as CALIFORNIA
25 TEACHERS ASSOCIATION or "CTA" is a labor organization authorized and existing
26 under the laws of the State of California.
27
28

1 13. The true names of defendants DOES 1 through 10, inclusive, are unknown
2 to plaintiff at this time. Plaintiff sues those defendants by such fictitious names
3 pursuant to section 474 of the Code of Civil Procedure. Plaintiff is informed and
4 believes, and based on that information and belief alleges, that each of the defendants
5 designated as a DOE is legally responsible for the events and happenings referred to in
6 this complaint, and unlawfully caused the injuries and damages to plaintiff alleged in
7 this complaint.
8

9
10 **FIRST CAUSE OF ACTION**

11 **VIOLATION OF PENAL CODE: PERJURY WITHOUT IMMUNITY UNDER**
12 **CCC § 47 (b)(2) AS TO DEFENDANTS WATSON, TUCKER, HERSH, BOYD,**

13 **CTA AND CVE**

14
15 14. Plaintiff realleges and incorporates Paragraphs 1 through 13, inclusive, of the
16 General Allegations, as though fully set forth herein.

17 15. On or about May 14, 2004, BOYD, HERSH, TUCKER, WATSON, CVE
18 AND CTA, knowing that they were committing perjury (either directly or by suborning
19 perjury), did intentionally prepare a false declaration (Exhibit 1) to be signed under
20 penalty of perjury by VIRGINIA BOYD and filed in San Diego Superior Court case
21 number GIC 781970.
22

23 16. On or about May 14, 2004, BOYD knowingly signed the false
24 document under penalty of perjury and HERSH, TUCKER, WATSON, CVE AND
25 CTA suborned the perjury thus committed. BOYD, HERSH, TUCKER,
26
27

1 WATSON, CVE AND CTA filed the document in San Diego Superior Court case
2 number GIC 781970, and served the perjured document on plaintiff.

3 17. Defendants' conduct as alleged in this cause of action constitutes an
4 unlawful act in violation of Penal Code section 127, which states, "Every person who
5 willfully procures another person to commit perjury is guilty of subornation of perjury,
6 and is punishable in the same manner as he would be if personally guilty of the perjury
7 so procured."
8

9 18. The perjured declaration signed by BOYD on May 14, 2004 stated that
10 BOYD's notes of a February 12, 2001 meeting CVESD meeting regarding plaintiff
11 were accidentally lost or destroyed (**Exhibit 1**). In fact, the notes were intentionally
12 destroyed by BOYD, TUCKER, WATSON, HERSH, CTA AND CVE, either directly
13 or by conspiracy to destroy the notes, on or about May 14, 2004. These notes
14 constituted "physical evidence" as specified in Section 250 of the Evidence Code or
15 evidence that is property of any type specified in Section 2031 of the Code of Civil
16 Procedure."
17

18 19. In or about October of 2004, WATSON, BOYD, TUCKER, HERSH, CTA
19 AND CVE, through subornation or false testimony under oath, committed perjury again
20 in furtherance of this act of destruction of documents and in order to deprive plaintiff of
21 the use of this evidence.
22

23 20. The double felony of spoliation and perjury was committed by WATSON,
24 BOYD, HERSH, TUCKER, WATSON, CVE AND CTA to hide crimes by WATSON
25 and Robin Colls Donlan. In 2000, WATSON had received information from an arrest
26 record illegally obtained by Robin Donlan, and in 2001 WATSON took part in a
27
28

1 conspiracy to violate Labor Code 432.7 against plaintiff. WATSON demanded that her
2 illegal actions against a fellow member of CVE and CTA be concealed by CVE and
3 CTA. BOYD and CVE thereafter filed a grievance on WATSON's behalf to keep her
4 actions secret, and to deprive plaintiff of the use of that evidence.
5

6 21. Defendants BOYD, TUCKER, WATSON, CVE AND CTA conspired to file
7 a grievance on WATSON's behalf, and the grievance was filed by CVE, in order to
8 conceal WATSON's actions. The grievance demanded that Assistant Superintendent
9 Richard Werlin of Chula Vista Elementary School District deny that he made a
10 statement on February 12, 2001 to the effect that two teachers called him at home on the
11 previous Saturday night. Werlin agreed to change his story and to say that only one
12 teacher called him. Werlin kept to the agreement, and committed perjury in 2002 and
13 2003 regarding this matter. BOYD, after destroying her notes, or giving them to
14 HERSH to destroy, apparently forgot about the agreement to conceal this detail, and
15 three years after making the agreement, BOYD stated under oath that Richard Werlin
16 announced on Feb. 12, 2001 that two people had called him at home regarding plaintiff.
17
18

19 22. LINDA WATSON committed perjury when she denied under oath that she
20 had called Werlin, but changed her story when asked if she minded if her Saturday
21 February 10, 2001 phone records were checked to see if she called Richard Werlin at his
22 home around 8:30 in the evening.
23

24 23. Evidence of the truth about WATSON's actions was contained in BOYD's
25 notes of a meeting at Chula Vista Elementary School District on February 12, 2001. All
26 defendants conspired to destroy these notes.
27
28

1 24. At the root of all these misdemeanors and felonies were the original
 2 misdemeanors of Robin Colls Donlan and her brother Michael Carlson in or about
 3 September of 2000, in which they conspired to obtain and disseminate, in violation of
 4 multiple California Codes, the record of an arrest that led to neither charges nor a
 5 conviction. BOYD, then-president of Chula Vista Educators (CVE), was a long-time
 6 friend of Robin Donlan, and for that reason decided to commit multiple felonies to
 7 cover up Donlan's and WATSON's misdemeanors.
 8

9 25. As a proximate result of defendant's conduct as described in this cause of
 10 action, Plaintiff and students and teachers of California have suffered from a damaged
 11 educational and legal system caused by the blatant violation of both civil and criminal
 12 statutes by DEFENDANTS WATSON, TUCKER, HERSH, BOYD, CTA AND CVE.
 13

14 SECOND CAUSE OF ACTION

15 VIOLATION OF PENAL CODE SECTION § 127 (SUBORNATION OF PERJURY
 16 WITHOUT IMMUNITY AS A RESULT OF EXCEPTION IN CC § 47 (b)(2) AS TO
 17 DEFENDANTS BEVERLY TUCKER, MICHAEL D. HERSH, VIRGINIA BOYD,
 18 CALIFORNIA TEACHERS ASSOCIATION, AND CHULA VISTA ELEMENTARY
 19 EDUCATION ASSOCIATION
 20

21 26. Plaintiff realleges and incorporates Paragraphs 1 through 13, inclusive, of
 22 the General Allegations, as though fully set forth herein.
 23

24 27. BOYD did not write a single word during an August 13, 2001 meeting at
 25 CVESD regarding plaintiff, but sat silent and unmoving during the entire meeting.
 26 Instead of taking notes, BOYD made a tape recording of the August 13, 2001 meeting.
 27
 28

1 28. After the meeting, BOYD prepared notes of the meeting, cherry-picking
2 items she wanted to include and items she wanted to leave out, thus altering a document
3 that was blank, and creating a bogus document.

4 29. BOYD, TUCKER, HERSH, CVE AND CTA destroyed the tape recording
5 made by BOYD at that meeting in order to deprive plaintiff of the use of that evidence.
6

7 30. TUCKER, HERSH, CVE AND CTA prepared a false declaration for BOYD
8 to sign (**Exhibit 2**) regarding the "notes" and the tape recording made at the August 13,
9 2001 meeting.

10 31. BOYD signed the false declaration in furtherance of the act of destruction of
11 evidence and the alteration of evidence, thus committing perjury on June 28, 2004. This
12 perjury was suborned by TUCKER, HERSH, CVE AND CTA.

13 32. Defendants' conduct as alleged in this cause of action constitutes an
14 unlawful act in violation of Penal Code section 127, which states, "Every person who
15 willfully procures another person to commit perjury is guilty of subornation of perjury,
16 and is punishable in the same manner as he would be if personally guilty of the perjury
17 so procured."
18

19 33. As a proximate result of defendant's conduct as described in this cause of
20 action, Plaintiff and students and teachers of California have suffered from a damaged
21 educational and legal system caused by the blatant violation of both civil and criminal
22 statutes by DEFENDANTS WATSON, TUCKER, HERSH, BOYD, CTA AND CVE.
23

24 **THIRD CAUSE OF ACTION**

25 **VIOLATION OF PENAL CODE SECTION § 127 (SUBORNATION OF PERJURY**
26 **WITHOUT IMMUNITY AS A RESULT OF EXCEPTION IN CC § 47 (b)(2) AS TO**
27

1 DEFENDANTS BEVERLY TUCKER, MICHAEL D. HERSH, VIRGINIA BOYD,
2 CALIFORNIA TEACHERS ASSOCIATION, AND CHULA VISTA ELEMENTARY
3 EDUCATION ASSOCIATION

4
5 34. Plaintiff realleges and incorporates Paragraphs 1 through 13, inclusive, of the
6 General Allegations, as though fully set forth herein.

7 35. BOYD, TUCKER, CVE AND CTA created a hoax grievance (**Exhibit 3**) in
8 2001 to fool plaintiff into thinking they were representing her, when actually they were
9 representing WATSON, and doing everything they could to hide WATSON's crimes.
10 This grievance constituted "physical evidence" as specified in Section 250 of the Evidence
11 Code or evidence that is property of any type specified in Section 2031 of the Code of
12 Civil Procedure."

13
14 36. In or about October of 2004, this grievance was destroyed by BOYD,
15 TUCKER, CVE AND CTA in order to deprive plaintiff of the use of that evidence.

16 37. In or about October of 2004, HERSH, TUCKER, WATSON, CVE AND
17 CTA committed perjury during testimony under oath San Diego Superior Court case
18 number GIC 781970 in furtherance of this destruction of evidence and in order to
19 deprive plaintiff of the use of this evidence.
20

21 38. Defendants' conduct as alleged in this cause of action constitutes an
22 unlawful act in violation of Penal Code section 127, which states, "Every person who
23 willfully procures another person to commit perjury is guilty of subornation of perjury,
24 and is punishable in the same manner as he would be if personally guilty of the perjury
25 so procured."
26
27
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1 39. As a proximate result of defendant's conduct as described in this cause of
2 action, Plaintiff and students and teachers of California have suffered from a damaged
3 educational and legal system caused by the blatant violation of both civil and criminal
4 statutes by DEFENDANTS WATSON, TUCKER, HERSH, BOYD, CTA AND CVE.

5
6 **FOURTH CAUSE OF ACTION**

7 **CONSPIRACY TO DESTROY EVIDENCE AS TO DEFENDANTS WATSON,**

8 **TUCKER, HERSH, BOYD, CTA AND CVE**

9 40. Plaintiff realleges and incorporates Paragraphs 1 through 13, inclusive, of the
10 General Allegations, as though fully set forth herein.

11 41. On or about September 23, 2004, BEVERLY TUCKER, MICHAEL D.
12 HERSH, VIRGINIA BOYD, CALIFORNIA TEACHERS ASSOCIATION, CHULA
13 VISTA ELEMENTARY EDUCATION ASSOCIATION and each of them, knowingly
14 and willfully conspired and agreed among themselves that they would destroy the notes
15 taken by BOYD during a meeting at CVESD on February 12, 2001. These notes
16 constituted "physical evidence" as specified in Section 250 of the Evidence Code or
17 evidence that is property of any type specified in Section 2031 of the Code of Civil
18 Procedure."
19

20
21 42. BEVERLY TUCKER, MICHAEL D. HERSH, VIRGINIA BOYD,
22 CALIFORNIA TEACHERS ASSOCIATION, CHULA VISTA ELEMENTARY
23 EDUCATION ASSOCIATION, each acting individually and giving encouragement,
24 collaboration, and assistance to the other, conspired to destroy the notes taken by BOYD
25 during a meeting at CVESD on February 12, 2001.
26
27
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1 43. Defendants BEVERLY TUCKER, MICHAEL D. HERSH, VIRGINIA
2 BOYD, CALIFORNIA TEACHERS ASSOCIATION, CHULA VISTA
3 ELEMENTARY EDUCATION ASSOCIATION, and each of them, did the acts and
4 things herein alleged pursuant to, and in furtherance of, the conspiracy and above-
5 alleged agreement.
6

7 44. The February 12, 2001 notes were destroyed by BOYD or HERSH on or
8 about May 14, 2004 in furtherance of the conspiracy and in order to deprive plaintiff of
9 the use of the evidence.

10 45. As a proximate result of defendant's conduct as described in this cause of
11 action, Plaintiff and students and teachers of California have suffered from a damaged
12 educational and legal system caused by the blatant violation of both civil and criminal
13 statutes by DEFENDANTS TUCKER, HERSH, BOYD, CTA AND CVE.
14

15 **FIFTH CAUSE OF ACTION**

16 **CONSPIRACY TO DESTROY EVIDENCE AS TO DEFENDANTS TUCKER,**

17 **HERSH, BOYD, CTA AND CVE**
18

19 40. Plaintiff realleges and incorporates Paragraphs 1 through 13, inclusive, of the
20 General Allegations, as though fully set forth herein.

21 41. On or about September 23, 2004, BEVERLY TUCKER, MICHAEL D.
22 HERSH, VIRGINIA BOYD, CALIFORNIA TEACHERS ASSOCIATION, CHULA
23 VISTA ELEMENTARY EDUCATION ASSOCIATION and each of them, knowingly
24 and willfully conspired and agreed among themselves that they would destroy the tape
25 recording made by BOYD during a meeting at CVESD on August 13, 2001, and alter a
26 document to create fake "notes" of that meeting. This tape recording and notes
27
28

1 constituted "physical evidence" as specified in Section 250 of the Evidence Code or
2 evidence that is property of any type specified in Section 2031 of the Code of Civil
3 Procedure."

4 42. BEVERLY TUCKER, MICHAEL D. HERSH, VIRGINIA BOYD,
5 CALIFORNIA TEACHERS ASSOCIATION, CHULA VISTA ELEMENTARY
6 EDUCATION ASSOCIATION, each acting individually and giving encouragement,
7 collaboration, and assistance to the other, conspired to alter a document and to destroy
8 the tape recording made by BOYD during a meeting at CVESD on August, 2001,
9

10 43. Defendants BEVERLY TUCKER, MICHAEL D. HERSH, VIRGINIA
11 BOYD, CALIFORNIA TEACHERS ASSOCIATION, CHULA VISTA
12 ELEMENTARY EDUCATION ASSOCIATION, and each of them, did the acts and
13 things herein alleged pursuant to, and in furtherance of, the conspiracy and above-
14 alleged agreement.
15

16 44. The August 13, 2001 tape recording was destroyed by BOYD or HERSH on
17 or about June 28, 2004 in furtherance of the conspiracy and in order to deprive plaintiff
18 of the use of the evidence.
19

20 45. As a proximate result of defendant's conduct as described in this cause of
21 action, Plaintiff and students and teachers of California have suffered from a damaged
22 educational and legal system caused by the blatant violation of both civil and criminal
23 statutes by DEFENDANTS TUCKER, HERSH, BOYD, CTA AND CVE.
24

25 **SIXTH CAUSE OF ACTION**

26 **CONSPIRACY TO DESTROY EVIDENCE AS TO DEFENDANTS TUCKER,**

27 **HERSH, BOYD, CTA AND CVE**
28

1 40. Plaintiff realleges and incorporates Paragraphs 1 through 13, inclusive, of the
2 General Allegations, as though fully set forth herein.

3
4 41. On or about October of 2004, BEVERLY TUCKER, MICHAEL D.
5 HERSH, VIRGINIA BOYD, CALIFORNIA TEACHERS ASSOCIATION, CHULA
6 VISTA ELEMENTARY EDUCATION ASSOCIATION and each of them, knowingly
7 and willfully conspired and agreed among themselves that they would destroy the 2001
8 hoax grievance (**Exhibit 3**) to fool plaintiff into thinking they were representing her,
9 when actually they were representing WATSON, and doing everything they could to
10 hide WATSON's crimes. This grievance constituted "physical evidence" as specified in
11 Section 250 of the Evidence Code or evidence that is property of any type specified in
12 Section 2031 of the Code of Civil Procedure."

13
14 42. BEVERLY TUCKER, MICHAEL D. HERSH, VIRGINIA BOYD,
15 CALIFORNIA TEACHERS ASSOCIATION, CHULA VISTA ELEMENTARY
16 EDUCATION ASSOCIATION, each acting individually and giving encouragement,
17 collaboration, and assistance to the other, conspired to destroy the 2001 hoax grievance
18 (**Exhibit 3**) to fool plaintiff into thinking they were representing her, when actually they
19 were representing WATSON, and doing everything they could to hide WATSON's
20 crimes.
21

22 43. Defendants BEVERLY TUCKER, MICHAEL D. HERSH, VIRGINIA
23 BOYD, CALIFORNIA TEACHERS ASSOCIATION, CHULA VISTA
24 ELEMENTARY EDUCATION ASSOCIATION, and each of them, did the acts and
25 things herein alleged pursuant to, and in furtherance of, the conspiracy and above-
26 alleged agreement.
27
28

45. As a proximate result of defendant's conduct as described in this cause of action, Plaintiff and students and teachers of California have suffered from a damaged educational and legal system caused by the blatant violation of both civil and criminal statutes by DEFENDANTS TUCKER, HERSH, BOYD, CTA AND CVE.

WHEREFORE, plaintiff requests judgment from defendants in the above causes of action as follows:

- May 14, 2007

Maura Larkin


VERIFICATION

15

1 spoliation, and conspiracy, and know its contents. The same is true of my own
2 knowledge, except as to those matters which are alleged on information and belief, and
3 as to those matters, I believe it to be true.

4 I declare under penalty of perjury under the laws of the State of California that
5 the foregoing is true and correct.

6
7 May 14, 2007



8 MAURA LARKINS

EXHIBIT 1

1 MICHAEL D. HERSH [State Bar No. 144095]
 2 ROSALIND D. WOLF [State Bar No. 91440]
 3 BEVERLY TUCKER [State Bar No. 72525]
 4 ROBERT E. LINDQUIST [State Bar No. 130467]
 5 BRENDA SUTTON-WILLS [State Bar No. 164131]
 6 JOHN KOHN [State Bar No. 192932]
 7 JOSEPH R. COLTON [State Bar No. 85469]
 California Teachers Association
 11745 East Telegraph Road
 Santa Fe Springs, Ca 90670
 Mailing address: P. O. Box 2153
 Santa Fe Spring, California 90670
 Telephone: 562.942.7979 / Fax: 562.949.6518

8 Attorneys for Association Defendants Boyd, CVEEA, O'Neill and CTA

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN DIEGO

11 MAURA LARKINS,

12 Plaintiff,

13 v.

14 CHULA VISTA ELEMENTARY SCHOOL
 15 DISTRICT, etc., et al.

16 Defendants.

Case No. GIC 781 970

ICJ: William R. Nevitt, Jr.
 Dept. 64
 Date: May 28, 2004
 Time: 3:00 p.m.

17 **DECLARATION OF DEFENDANT
 18 VIRGINIA BOYD IN OPPOSITION
 19 TO PLAINTIFF'S MOTION TO
 20 COMPEL**

21 I, Virginia Boyd, declare:

22 1. I am a resident of San Diego County. I have been employed by the Chula Vista
 23 Elementary School District ("District") for many years. Since my election in 1996, I have
 24 served as President of the Chula Vista Elementary Education Association ("CVEEA"), the labor
 25 organization that represents the certificated employees of the District.

26 2. On or about February 12, 2001, I attended a meeting with District administrators and
 27 Maura Larkins, the plaintiff in this matter. I was there to assist Ms. Larkins. At this meeting,
 28 the District's Superintendent informed Ms. Larkins that he had been contacted by one or more

1 teachers who had expressed concerns about Ms. Larkins' behavior at the Castle Park Elementary
2 School where Ms. Larkins taught. The meeting concluded with Ms. Larkins being placed on
3 paid leave while the District investigated teacher concerns.

4 3. After her placement on leave, Ms. Larkins was in frequent contact with me and Tim
5 O'Neill, an employee of the California Teachers Association ("CTA") who is Executive Director
6 of the South County Teachers United, and a defendant in this case, as well. Ms. Larkins had
7 questions or wished to discuss a wide variety of issues concerning her situation and actions she
8 wanted CVEEA and CTA to pursue on her behalf.

9 4. Mr. O'Neill and I did our best to address Ms. Larkins' concerns, but not always to
10 her satisfaction. In February 2002, Ms. Larkins served the CVEEA office in Chula Vista with an
11 unfair practice charge (Case No. LA-CO-1091-E) that she filed with the California Public
12 Employment Relations Board ("PERB"). The charge alleged that CVEEA and CTA had failed
13 to represent Ms. Larkins, and violated her rights by not pursuing to arbitration several grievances
14 that had been filed against the District by or on behalf of Ms. Larkins.

15 5. In response to PERB Charge No. LA-CO-1091-E, Mr. O'Neill and I put together a
16 three-ring binder where I chronologically organized all the communications that had gone back
17 and forth between CVEEA and Ms. Larkins, including all of the documents pertaining to Ms.
18 Larkins that we could locate in our offices. In or about the second week of February 2002, I
19 personally handed the binder to CTA Attorney Michael Hersh at a meeting in Los Angeles, as
20 CTA had assigned him to represent CVEEA in the unfair practice proceedings. Most of the
21 dozens of documents in this binder were correspondence generated by Ms. Larkins to CVEEA
22 and CTA and our responses to her. I did not keep copies of the documents I gave to Mr. Hersh.

23 6. At the February 12, 2001 meeting that Ms. Larkins references on page 8 of her
24 Memorandum of Points and Authorities in Support of Motion to Compel, I am confident that I
25 made some notations as to what was said in the meeting in a School Year calendar book of the
26 sort I usually carry with me. I use these calendars each school year, chiefly to keep track of my
27 expenses and mileage. At the end of the school year, however, after I transfer the expense

1 information needed for tax documentation purposes, I throw away the calendar. It is, however,
2 my practice to put notes from the calendar pertaining to representational matters in the file of the
3 union member whom I am assisting. I disposed of the 2000-2001 calendar at the end of that
4 School Year, but I do not have a specific recollection as to whether my notations from the
5 February 12, 2001 meeting were placed in Ms. Larkins' file or later placed in the three ring
6 binder.

7 7. On March 11, 2004, eleven days before the date Ms. Larkins' set for my deposition,
8 Mr. Hersh came to the CVEEA office to assist me and Mr. O'Neill in responding to form
9 interrogatories that Ms. Larkins' had propounded to each of us, and to explain the deposition
10 process to me. Because Ms. Larkins' had also requested notes that she believed I had, Mr. Hersh
11 brought the three-ring binder I had given him two years ago. After going through the sections of
12 the binder where such notes would have been placed and looking through my office and other
13 locations where such notes could have been placed, we were unable to find any notes that were
14 responsive to Ms. Larkins' request.

15 8. I am aware that Ms. Larkins has accused me and others of attempting to "cover up"
16 circumstances pertaining to her placement on leave on February 12, 2001 and other matters
17 preceding her dismissal from employment with the District. However, I have always been
18 candid with Ms. Larkins and attempted to assist her to the best of my abilities. I have never
19 acted against Ms. Larkins interests with the District or anyone else. I have never shown
20 favoritism to Ms. Larkins' co-workers, though I attempted to mediate between Ms. Larkins and
21 her co-workers in an effort to permit Ms. Larkins to return to work. In fact, in my many years as
22 a CVEEA activist and officer I have never expended as much time and effort assisting any other
23 CVEEA teacher as I have on responding to Ms. Larkins' numerous requests for CVEEA and
24 CTA assistance and information. I have never received or possessed criminal justice records
25 information pertaining to Ms. Larkins. To this date I have never even seen such information. I
26 have nothing to hide concerning my efforts on behalf of Ms. Larkins and I have nothing to
27 "cover up."

1 I declare under penalty of perjury under the laws of the State of California that this
2 declaration is true and correct, and that this declaration was executed on May 14, 2004 in San
3 Diego County, California.

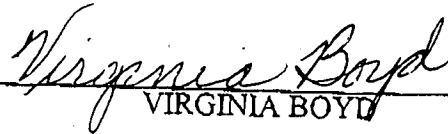
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6 VIRGINIA BOYD
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EXHIBIT 2

MICHAEL D. HERSH [State Bar No. 144095]
 ROSALIND D. WOLF [State Bar No. 91440]
 BEVERLY TUCKER [State Bar No. 72525]
 ROBERT E. LINDQUIST [State Bar No. 130467]
 BRENDA SUTTON-WILLS [State Bar No. 164131]
 JOHN KOHN [State Bar No. 192932]
 JOSEPH R. COLTON [State Bar No. 85469]
 California Teachers Association
 11745 East Telegraph Road
 Santa Fe Springs, Ca 90670
 Mailing address: P. O. Box 2153
 Santa Fe Spring, California 90670
 Telephone: 562.942.7979 / Fax: 562.949.6518

Attorneys for Association Defendants

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SAN DIEGO

MAURA LARKINS,

Plaintiff,

v.

RICHARD WERLIN; GRETCHEN
 DONNDELINGER, JO ELLEN HAMILTON,
 et al.

Defendants.

Case No. GIC 781970

[Consolidated with Case No. 825873]

ICJ: William R. Nevitt, Jr.

Dept. 64

Date: N/A

Time: N/A

**CHULA VISTA ELEMENTARY
 EDUCATION ASSOCIATION
 RESPONSE TO PLAINTIFF'S
 REQUESTS FOR PRODUCTION
 OF DOCUMENTS SET THREE [No.
 One]; DECLARATION OF
 VIRGINIA BOYD**

Complaint filed: 1/24/02

Chula Vista Elementary Education Association ("CVEEA") responds pursuant to section 2031(g) of the Code of Civil Procedure to plaintiff's requests for production of documents and things, set three [no. 1], ("RFP") as follows:

RESPONSES TO SET THREE [No. One]

CVEEA objects to the RFP propounded by plaintiff in its entirety because the RFP seeks production of an item that is not relevant to the matters alleged in her sixth amended complaint in

EXHIBIT 3

GRIEVANCE REPORT FORM**LEVEL II**

To be used only after informal conference has been held and grievance is not resolved, or in cases where the grievance is initiated at Level II.

Type Only

Last Name	First Name	M.I.	Date
Groth	Jim		5/22/01
School/Department		Position	
CVE for Castle Park Elementary		CVE Grievance Chair	
Principal/Supervisor			
Gretchen Donndelinger			

The District violated Article 38.1 of the Agreement when it issued a letter of reprimand to Maura Larkins without just cause on April 4, 2001.

Proposed remedy to grievance:

The District shall:

- 1) Provide written, detailed rationale for why the employee was placed on Administrative Leave on February 8, 2001.
- 2) Provide specific written details of the behaviors alleged to be "irrational and unprofessional."
- 3) Modify the content of the 4/4/01 memorandum by eliminating completely the second paragraph.
- 4) Any other remedies mutually agreed to by the parties.

I discussed this with my principal/supervisor on

Date

Signature of Grievant